2008 2009 Annual Report

Provincial Advocate
for Children *&* Youth

Message from the Provincial Advocate

THE JOB OF THE PROVINCIAL ADVOCATE FOR Children and Youth is a huge and humbling responsibility. My Office is mandated to offer children and youth a lifeline when they feel that there is no one listening.

This Annual Report describes the activities of a relatively new Office. It is designed to outline a very busy year and is written in a manner more "corporate" than the previous Annual Report. To ensure the "voice" of young people is present, the Report contains a CD created by young people ensuring that the listener has a snapshot of their world.

Over the past year, I have spent a good deal of time travelling across the Province meeting with thousands of young people. As I submit this report, I reflect upon a meeting in Thunder Bay where a group of First Nations young people spoke with passion and eloquence about the difficult task of leaving their homes and communities to attend school in "the big city," a journey that ended in death for four of their colleagues. I reflect upon a meeting with a group of youth in care in Guelph who spoke about trying to set a course for themselves in the face of the barriers that a life-in-care brings. I reflect upon listening to the students at Centre Jules-Léger in Ottawa, a Provincial School for Francophone students who are deaf or hard of hearing, and remember their sense of isolation. I reflect upon the young people in custody at the Roy McMurtry Centre for Youth in Brampton who had the courage to speak up about the conditions they were living in. I reflect upon the meeting with homeless youth in Hamilton who were struggling to find ways to reconnect to their City and find a path for themselves, many struggling through the illness of addiction and poor mental health.

These meetings and so many more, and the increased calls to my Office over the year indicate to me one unassailable fact: too many children fight so hard for rights that come so easily to others.

In these tough economic times when we might be tempted to give in to the language of restraint, we must hold our children just a little closer. It is in these times we must invest in our children.

Irwin Elman
Provincial Advocate *for* Children and Youth

Introduction

LEGISLATIVE CONTEXT

The *Provincial Advocate for Children and Youth Act, 2007* set out the mandate for the Advocate's Office as an "independent" office reporting to the Ontario Legislature. The Act states that the Provincial Advocate should:

a) "Provide an independent voice for children and youth... by partnering with them to bring issues forward;
b) Encourage communication and understanding between children and families and those who provide them services;
c) Educate children, youth and their caregivers regarding the rights of children and youth...and;
d) [Be] an exemplar for meaningful participation of children and youth through all aspects of advocacy services"

2008-09 ANNUAL REPORT OVERVIEW

The legislation sets out requirements for an "annual report" from the Provincial Advocate that reports on expenditures for the fiscal year ending March 31, 2009, and advocacy services, volume and Office activities for the year ending in December 2009. These are included in the following sections:

How We Serve ..... *page 5*
Casework and systemic advocacy activities
Access to Information needed, from a range of ministries and organizations
Youth Participation highlights

Who We Serve ..... *page 11*
Concerns of children and youth relating to the children's service system by highlighting significant activities and future actions across the six areas the office is mandated to serve:

- Child Welfare
- Youth Justice
- Mental Health
- Provincial/Demonstration Schools
- First Nations
- Special Needs

Who We Are ..... *page 22*
Increasing capacity to be an "independent" voice
Responding to a 31 per cent increase in calls
Prudent management of financial resources

Follow-up on Annual Report 2007-08 ..... *page 24*

Closing message from the Provincial Advocate ..... *page 26*

How We Serve

THE OFFICE OF THE PROVINCIAL ADVOCATE for Children and Youth (OPACY) carries out its activities pursuant to the *Provincial Advocate for Children and Youth Act*, within all applicable legislation as well as the United Nations Convention on the Rights of the Child.

Canada ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1991. The principles underpinning the Convention guide the manner in which OPACY undertakes its work with children and youth. The four articles reflecting the principles of the Convention are:

Article 2 - Non-Discrimination
Article 3 - Devotion to the Best Interest of the Child
Article 6 - The Inherent Right of Life, Survival and Development
Article 12 - Respect for the Views and the Right of the Child to Express those Views

The Office of the Provincial Advocate operates from the belief that each child or youth has his or her own unique story. People can understand each story through service-specific events, such as having to 'live in' CAS care. These young people also have common needs. These needs are:

Access to practical *RESOURCES* necessary for a successful transition to independence. These may include knowledge, information, opportunity and specific services such as housing, education and employment.

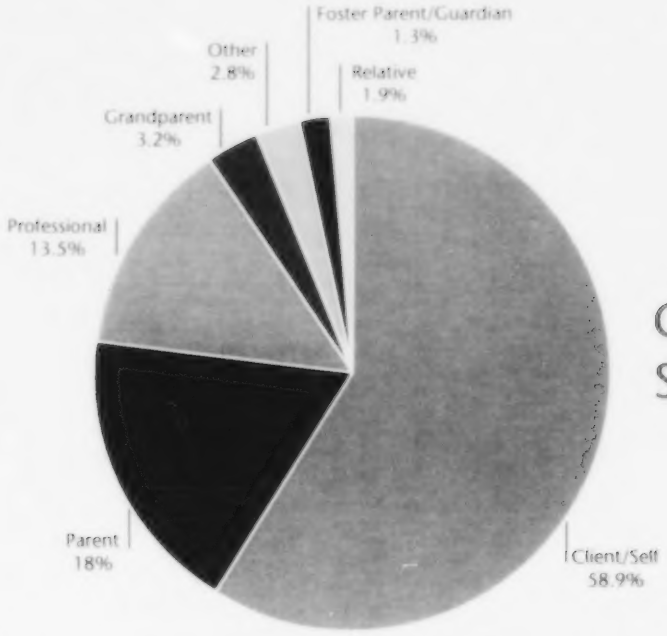
Opportunity to develop *CONNECTION* to, and support from, caring adults and other members of their community. Opportunity to contribute to and create solutions to life challenges.

Confidence and support to *VOICE* hopes, wishes and at all levels to affect decisions about their lives.

Casework and Systemic Advocacy

In its actions, OPACY is both **reactive**, as it responds to phone calls, email and direct requests, and **proactive**, in that it engages in outreach to groups of children and youth and initiates public education.

In response to a complaint or call, members of the OPACY 'casework team' listen to understand the person's story and to achieve resolution. The 'systemic team' acts when similar, or multiple complaints about a common service are received to identify where broader reviews, as described in legislation, are required. Systemic advocacy



Cases by Referral Source

may lead to an OPACY decision to conduct an agency, or program 'review'.

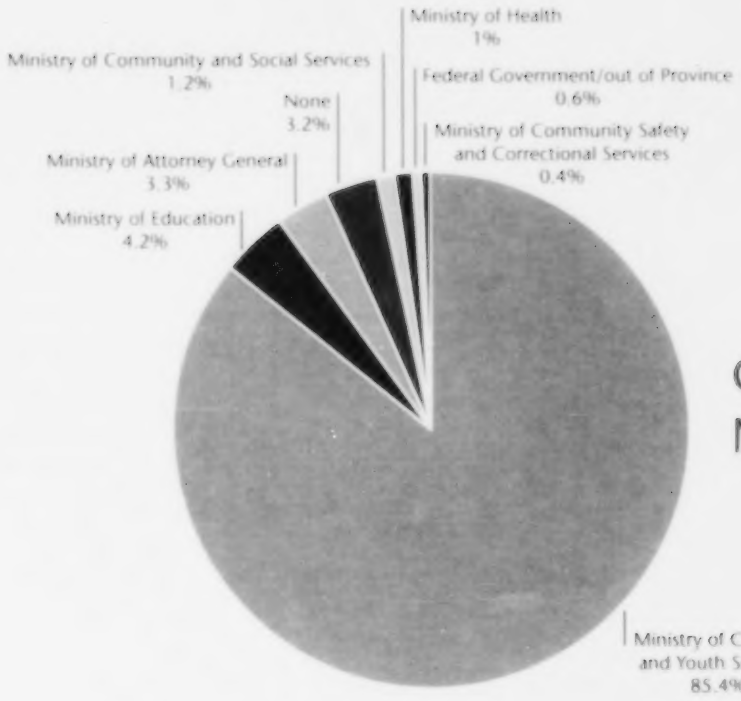
As its core function OPACY responded to the 3931 calls from children and youth, or those who called on their behalf, who had questions about 'rights,' and/or concerns about a violation of those rights. Approximately sixty per cent of the calls received by the Office in 2009 came from young people themselves. This is an increase of ten per cent from the previous year. The **Cases by Referral Source** chart shows the different groups of people who made calls to OPACY.

The majority of the calls were from, or about, 12 to 17 year olds. Eighty-five per cent related to the Ministry of Children and Youth Services (MCYS) and the supports and services flowing pursuant to the *Child and Family Service Act (CFSA)*. The remainder, as shown in the **Cases by Primary Ministry** chart, were issues related to other provincial ministries or the federal government.

During the past year, OPACY has advanced its focus by formalizing its systemic advocacy work as resources of the Office were realigned under two streams: casework and systemic advocacy.

OPACY 'casework', in response to calls, continues to be at the heart of its activities. This casework is different from 'case management' procedures carried out by community-based agencies. The key difference is that a Child and Youth Advocate begins by developing a specific advocacy strategy with the young person and family to create solutions and ultimately leveraging support that leads to a resolution.

OPACY 'systemic advocacy' capacity has been strengthened to identify and advance important themes. These themes emerge through the casework and evolve from the information provided by young people through the calls, local discussions, or Hub meetings, where OPACY brings together young people in local communities to discuss issues of importance,



Cases by Primary Ministry

and other engagement activities. The activities undertaken stem from an ongoing review of broader concerns or issues raised by children and youth. The team works to develop advocacy strategies, reports, and position papers focused on broader issues that target the underpinning policy and program issues, and that ultimately address the program and service issues that young people bring forward.

Reaching out and involving young people through both individual and systemic work provides an ideal opportunity for an evolving dialogue about human rights and children's rights as a powerful source of change. Through Hub meetings and engagement activities focused on child and youth participation, OPACY continues to seek out strategies aimed at helping children and youth gain a sense of control over their lives, legitimizing their experience and strengthening their ability to be their own advocate.

Access to Information

The legislation empowers the Advocate to provide an independent voice for children and youth, receive and respond to complaints, conduct reviews and gather information. However, it does not provide an explicit legislated entitlement to the information needed to carry out these duties.

In order to fulfill the mandate, the Provincial Advocate requires clear and detailed information from police services, ministries of the Ontario government, transfer payment agencies, children's aid societies and the Office of the Chief Coroner.

In the past year, the Provincial Advocate has entered into a formal access to information protocol with MCYS. OPACY pursued this agreement when the ministry refused to provide access to information in 2008. Despite the new interim guideline the Ministry recently withheld 3 investigation reports related to allegations of

excessive use of force against young people at youth justice facilities.

OPACY will:

- Seek amendments to the *Provincial Advocate for Children and Youth Act* to ensure the Advocate has access to the information needed to fulfill his mandate.

Youth Participation

As required by the Act, OPACY views the "...participation of children and youth through all aspects..." as vital to its work. The following are examples from the past year.

• With the 20th Anniversary of the United Nations Convention on the Rights of the Child taking place this past year, OPACY worked with key national and international partners to host a weeklong provincial strategy to engage young people and communities in a discussion about children's rights and rights education. The week culminated with more than 200 children and youth from across the province attending 'National Children's Day' at the Ontario Legislature. See page 9 for some of the key events.

• OPACY has standing at the Reggie Bushie Inquest into the death of a youth in Thunder Bay which will explore issues as to how First Nations youth are impacted when attending school far away from their home communities. The group of youth who are advising OPACY had the opportunity to share their list of recommendations with the leadership of Nishnawbe-Aski Nation (NAN) and Northern Nishnawbe Education Council (NNEC). NAN and NNEC have heard and are working with this group of young people towards implementing their recommendations.

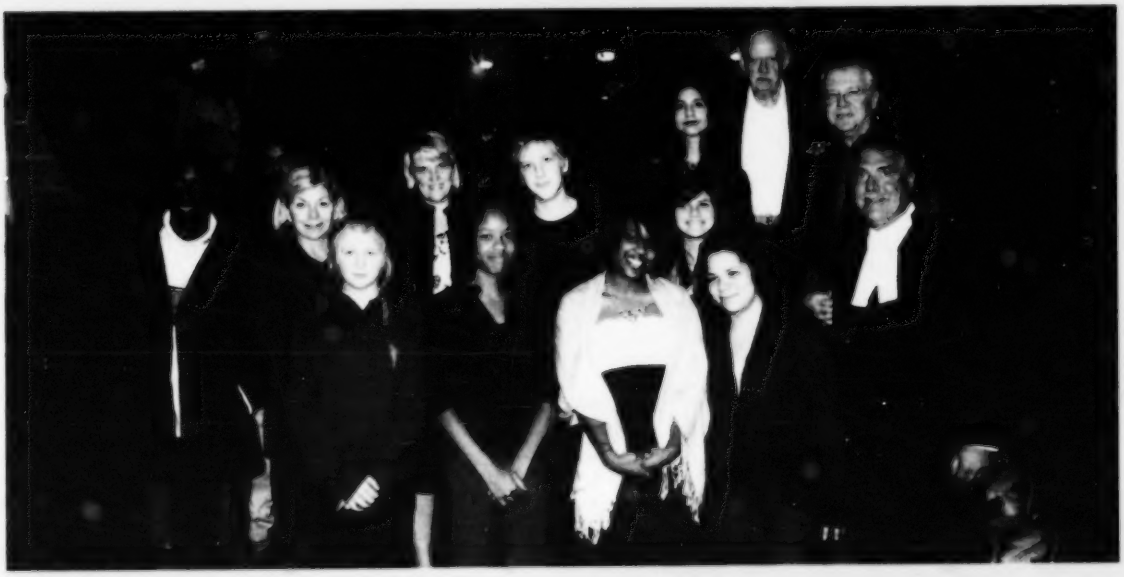
• As part of its outreach, 20 students, including those not typically engaged, i.e., those who had been suspended or expelled, community partners, a research team and OPACY supported young people to have a voice through the Westview Review which used 'Photovoice' a participatory action research tool. This review was a recommendation in the 2008 report of the Toronto District School Board's School Community Safety Advisory Panel established after the death of Jordan Manners. See page 10 for photo examples.

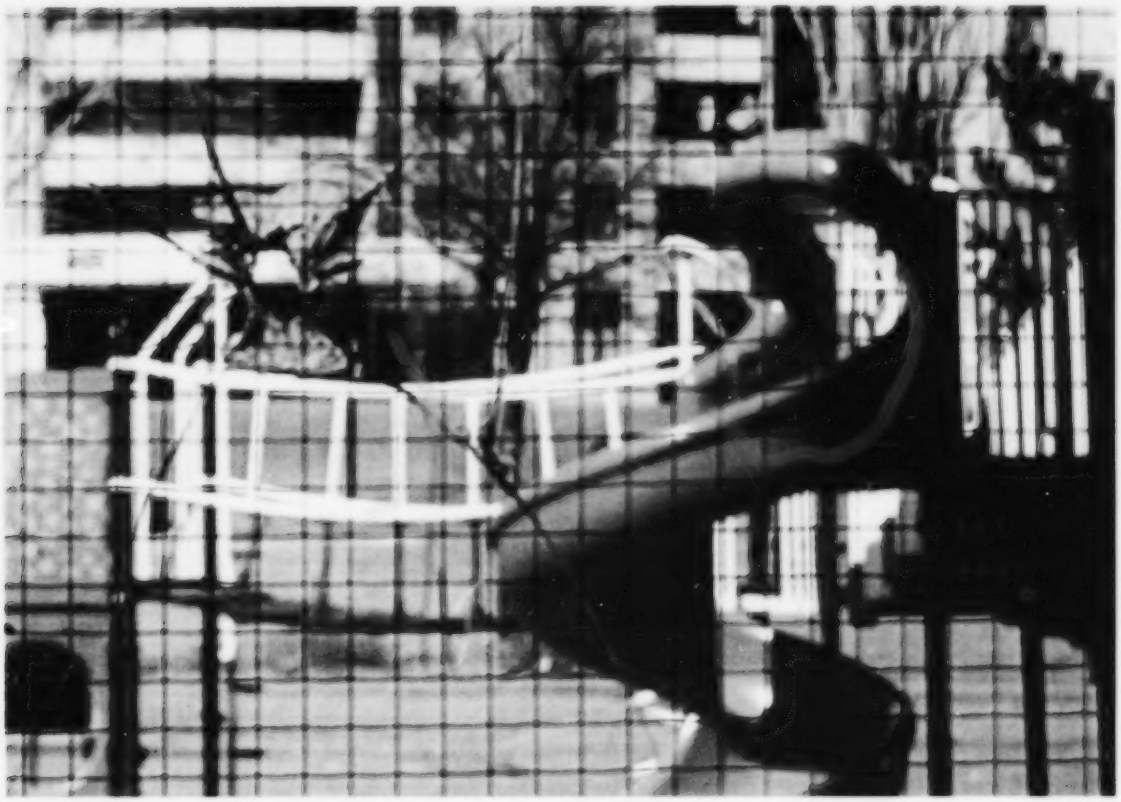
• Community Hub sessions were held in seven locations across the province (Toronto, London, Sudbury, Ottawa, Hamilton, Niagara

United Nations Convention on the Rights of the Child Celebrations

Highlights of the week:

- *OPACY worked with young people and community agencies from across the province to provide communications training and support to young people participating in public speaking activities related to UNCRC activities.*
- *Political and agency leaders mentored these young people as they developed their own words and then communicated them during the reception that took place during National Children's Day at the Ontario Legislature.*
- *The Provincial Advocate spoke at the International Children's Rights conference in Ottawa and was part of an international panel hosted by the Canadian Coalition on the Rights of the Child, to advance the importance of provincial, national and international dialogue on children's rights.*
- *Community Hub sessions were held across the province to engage children and youth in discussion about their rights and the role of the Convention as a means of personal and community advocacy.*
- *On November 19th, the Ontario Legislature in partnership with Defence for Children International, the Provincial Advocate's Office and Ontario's three political parties hosted 'National Children's Day' at the Legislature.*
- *Young people, community leaders and Members of Provincial Parliament from across Ontario, attended a reception hosted by OPACY to listen to young people speak about the UNCRC. After the reception, young people took over the public galleries to hear comments about the Convention, and be recognized by the leaders of the three parties.*





WESTVIEW REVIEW: EXAMPLE OF YOUTH PHOTO.

and Guelph) to engage children and youth in discussion about the topics ranging from children's rights, issues and concerns relating to the service system, policing, education and the work of OPACY.

OPACY will:

- Hire community development staff to expand its capacity to engage youth, the community, and government and to expand public education activities.

- Work to expand partnerships with local, provincial and national agencies and organizations to focus on youth participation and children's rights.

- Launch a 'Travelling Art Show' that pairs photography and the powerful written narratives of young people who spent several months participating in a unique community development project. The young people used photography as a way to reflect on, and talk about, their school, education and community.

- Release its report titled *The Westview Review: A Participatory Action Project in Ontario's Education System.*

Who We Serve

MANY ONTARIANS, INCLUDING CHILDREN and youth, lived in a vastly different environment during the past year:

- Individuals, families and financial institutions felt the impact of the global economic downturn,
- Many children and families were affected by job loss, reduced income and continuous negative news from media,
- 20% more children, youth and adults relied on food banks,
- Ontario government had reduced revenue and its largest deficit in years, and
- At the service level, agencies met rising costs and demands for service with shrinking dollars due to inflation.

Ontario's children and youth lived in this context. For many of them, the economic downturn has added to their invisibility and marginalized them in society. It has contributed to their lack of a sense of control. Many would wonder that, if adults could not manage in this changing environment, how can children and youth?

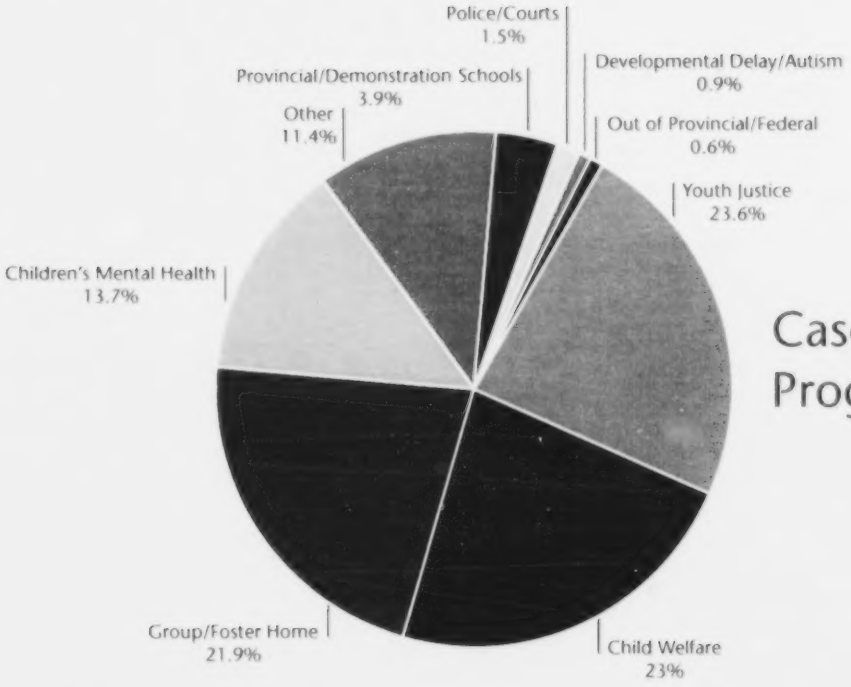
Each Call is Important

In responding to each call received, whether from a child or youth, or individuals who called on their behalf, OPACY starts by trying to understand the nature of the caller's question, concern or complaint and identifies the ministry program to which the call relates. During the process of responding to a request for assistance, OPACY, for data purposes, identifies the case to be one of four types: rights advice, consultation, complex case situations or dispute resolution. A Child and Youth Advocate then works with the young person to create an individualized response specific to the issue brought forward.

CHILDREN'S SERVICE SYSTEM

As part of the social fabric, the 'children's service system' is a set of sometimes interconnected programs, agencies and services. The OPACY mandate covers six sometimes-overlapping 'sub-systems' within this larger system: child welfare services, youth justice services, mental health services, provincial/demonstration schools, services for First Nations and 'special needs' services.

The **Cases by Ministry Program** chart records the cross section of cases OPACY has been involved in during the past year, based on the Ministry program area to which the complaint related. Youth Justice and Child Welfare,



Cases by Ministry Program

divisions of the Ministry of Children and Youth Services, received almost equal numbers of calls, despite the much larger number of children and youth involved in the child welfare system. The sections on the six mandate areas, below, provide details about the size of the popu'ation served and the types of complaints most likely to be part of calls from young people.

A) Child Welfare

Child Welfare System: Child welfare, the largest sector within the Ontario children's social services system is comprised of 53 children's aid societies (CASs). Five of these are northern Aboriginal children's aid Societies serving 63 of Ontario's 134 First Nation communities on and off reserve. A sixth Aboriginal children's aid society works with Aboriginal children and families in the City of Toronto.

In the 2008-09 year, CASs had 24,659 open protection cases and provided substitute care for 27,152 children. A child who is living in care is unable to live with parents or extended family and resides for a few weeks or as long as several years in one of approximately 5,000 group home beds or in one of the approximately 11,000 beds in 7,244 foster and kinship homes.

OPACY Themes: During the past year, the majority of the child welfare activities related to one of the following themes:

i) frustration with how the CAS worker addresses needs; does not respond quickly enough to calls/needs, not being treated with respect, CAS won't change worker
ii) dissatisfaction with residential placement; too far from home, cultural differences, youth requests change, options not "available", worker unable to "advocate"/to influence CAS, and concerns about the quality of care
iii) Plans of Care do not meet needs; lack of effective transition plans, disagreement about termination of plans of care at age 16.

Significant System Events

- Inquests into deaths of young people connected to the care system continue: from 1995 to 2008, inquests were undertaken into twenty-five deaths of Ontario's young people. Resulting from these inquests, juries made recommendations with the hope of preventing deaths in the future. These recommendations are meant to safeguard children and youth. They represent the voice of the community and have the potential to result in reform that would benefit those who are the most vulnerable to preventable deaths.

- In order to understand more about the deaths of children and youth known to the system, OPACY sought, obtained and reviewed the Child Fatality Summary Reports from the years 2007 and 2008.

- In dealing with residential complaints, especially those cases in which young people are unhappy in their placements, OPACY made referrals to two public bodies that operate as safeguards within the children's services system: the Residential Placement and Advisory Committees (RPAC) and the Child and Family Service Review Board (CFSRB). Advocates have followed up with child welfare agencies, the ministry and service providers to ensure that recommendations made by RPAC and the CFSRB have been implemented.

- As part of OPACY involvement with the child welfare sector, Advocates attended meetings when invited by young people. OPACY acts as a support and resource to ensure the young person has the opportunity to express their views as decisions are made.

- OPACY supports MCYS's Expert Panel on Fertility and Adoption report, titled *Raising Expectations*, which describes existing barriers to adoption. It recommends that: all children have the chance to have a safe, loving and permanent family; adoption takes place as early in a child's life as possible; children who become Crown wards maintain contact with people who are important to them; and families – both parents and children – receive the

supports they need even after an adoption is finalized.

• In the fall, MCYS announced the formation of the Commission on Sustainable Funding for Child Welfare. The commission was formed during a time when collectively Ontario's CASs reported a provincial shortfall of $67 million dollars and the First Nations Child and Family Caring Society of Canada and the Assembly of First Nations entered into Tribunal hearings at the Canadian Human Rights Commission investigating the inequities in funding for First Nations Child Welfare Services.

• In December, the Ministry of Children and Youth Services announced it was moving forward with its mandatory review of the *Child and Family Services Act*. The OPACY was invited to create a submission as part of the review process.

OPACY will:

- Create an 'Inquest Database' so that young people and stakeholders have access to recommendations from all Inquests. This access will provide an opportunity for the public to bring increased pressure on government to act on the recommendations for change and potentially diminish the risk of more young people dying under similar circumstances.
- Request the Paediatric Death Review Committee Reports from the Office of the Chief Coroner of Ontario for the years 2007 and 2008 in order to have a more comprehensive understanding of the circumstances related to the deaths of children and youth during this period.
- Conduct reviews of children's residences and report on the manner residential service providers, ministry oversight bodies and placing child welfare societies respond to the concerns of young people.
- Complete a submission to the Ministry of Children and Youth Services as part of the mandatory review of the CFSA.
- Endeavour to work with the Commission on Sustainable Funding for Child Welfare to ensure wisdom of lived experience of youth in and from care is heard in the Commission deliberations.
- Create a report that speaks to better life chances for young people and their connection to resources once they leave child welfare care.

B) Youth Justice

Youth Justice System: The youth justice system must balance public safety with meeting the needs of young people through community and custody-based services and supports. Services and supports include probation, alternatives to custody programs, open and secure custody and reintegration resources. The youth justice system is a court-mandated component of the children's service system. The residential system includes approximately 1,300 beds in 69 custody/detention facilities. Three new facilities recently opened in the north and one in Brampton.

MCYS has completed the transition of the youth justice system into a system separate from adults. Additionally, it is shifting resources from residential to community based programming. The youth justice system is also attempting a culture shift to 'relationship custody', which promotes positive and professional relationships between staff and young people,

OPACY Themes: During the past year, the majority of the youth justice activity related to one of the following themes:

i) access to the Advocate's Office; young people told advocates are "on vacation for the summer," no posters in units, staff refusing to put calls from the Advocate through to the young people, calls to advocate delayed or denied
ii) lack of programming; little access to programming that would assist in the rehabilitation or reintegration of youth
iii) poor staff-youth relationships; staff have not embraced relationship custody, staff are disrespectful, staff are not good role models, staff spending majority of time with other staff and not with the youth
iv) safety; frequency of peer-on-peer violence, staff message that young people need to be able to "handle themselves" vs. role of staff to protect and supervise
v) neglect of basic care; limited access to drinks including cups of water, small meals, unclean bedding, cold facilities- difficulty accessing blankets
vi) lack of proper investigations; young people allege excessive force was used against them; thorough and proper investigations to determine whether staff acted appropriately or inappropriately in a particular situation; unable to ascertain whether additional safety measures should be taken at the facility.

Significant System Events

• The Youth Justice Services Division fulfilled its pledge to close all youth justice units housed in adult correctional facilities. This move was strongly supported by OPACY, as is MCYS's focus on the philosophy of relationship-custody.

• In the early spring, OPACY began to receive concerning reports from young people at Brookside Youth Centre, In addition to responding to these calls; OPACY conducted a 'systemic review' at the Centre, interviewed young people and reported to the ministry. MCYS responded by conducting internal reviews of the operations of the facility and implementing a number of changes.

• In the summer, youth from the Roy McMurtry Youth Center, the largest and flagship youth centre for the proposed relationship custody model, called OPACY on regular basis with serious concerns. These calls substantially increased the total number of youth justice calls received over last year. As the result of these cumulative issues and concerns, OPACY established a weekly presence at the facility, meeting with young people on each unit during the summer.

• OPACY requested, and received co-operation from Youth Justice Services Division to ensure that staff and program operators at youth justice facilities throughout Ontario received direction to respect the right of young people to receive visits and speak privately with the Provincial Advocate.

• OPACY initiated a systemic review on the use of 'secure isolation,' often understood as 'solitary confinement'. Concerns reported about its use in custody facilities across the province include unclean units; poor access to articles of religion such as Bibles and prayer rugs; lack of mental stimulation for young people housed in these tiny cells; and the placement of young people with serious mental health problems in secure isolation for lengthy periods.

• During a meeting with the ministry in December, OPACY was informed that investigation reports would not be disclosed to the Office. OPACY believes that receiving the full investigation report and related documents is necessary to ensure that they are thorough and impartial, adequately respond to the concerns of young people and help avoid other young people being subject to similar treatment.

OPACY will:

- Complete its review of the use of secure isolation in youth justice facilities across the province. The outcomes of this evaluative process will be shared in a formal report to be created by OPACY.

- Continue to monitor the progress being made on complaints brought forward by young people against the Roy McMurtry Center and will conduct a review of the Centre in conjunction with its first anniversary of operation.

- Monitor the province's commitment to implementation of 'relationship custody.'

C) Mental Health

Mental Health System: The children's mental health service component of the broad children's service system is provided, for the most part, to children and families on a voluntary basis. Funded agencies and institutions provide a range of both residential and non-residential counselling and support. Children and youth get services from more than 260 mental health agencies, 17 hospital-based outpatient programs and two government operated programs. In rural, remote and underserved communities, video-conferencing technology provides consultation through the Ontario Telepsychiatry Program.

OPACY Themes: During the past year, the majority of the mental health activity has related to one of the following themes:

i) waiting lists to access treatment service; lack of dual diagnosis services, per diem homes with no real capacity, lack of resources for First Nations and in the north
ii) lack of supports for youth to transition; from residential to independent living, latency to adolescence to adult
iii) regional discrepancy; resources vary by region, lack of resources in the north.

Significant System Events

- Calls from youth in all sectors indicate that a significant issue facing the mental health component of the children's system is the length of time it takes to access service, the lack of services in First Nations communities and the reality that young people in Youth Justice and Child Welfare often have high need for crossover mental health services.

- OPACY learned from youth in care that some adults, doctors and care givers, deny them medical information, do not respect their privacy and make decisions on their behalf, under the misconception that the "guardian can decide". In fact, the law assumes a youth is capable.

- OPACY supported the work of the Centre for Excellence in Children's Mental Health and the Federal Commission on Children's Mental Health.

- The Ministry of Health released its *Every Door Is The Right Door* discussion paper and requested submissions.

- The New Mentality, a youth engagement project co-led by Children's Mental Health Ontario and the Provincial Centre for Excellence for Child and Youth Mental Health is working with OPACY to create submissions in response to *Every Door Is The Right Door.*

OPACY will:

- Complete and make public its study and paper on '*Consent and Capacity*', and develop and provide a public education program as part of a broader OPACY focus on children's mental health.

- Advocate for increased provincial psychiatric consultation capacity for children and youth, both in person and through video conferencing.

D) Demonstration/Provincial Schools

Demonstration/Provincial Schools System: The Ministry of Education is responsible for Ontario's provincial and demonstration schools for the deaf, blind, deaf-blind and severely learning disabled and students with Attention Deficit Hyperactivity Disorder (ADHD), as mandated under section 13 of the *Education Act*. There are currently eight schools serving children and youth: three for the deaf; one for the deaf-blind; one Francophone school for the deaf, with learning disabilities; and, three demonstration schools.

There are approximately 660 students attending these schools: the majority live in the school residence during the week.

OPACY Themes: During the past year, the majority of the demonstration/provincial schools activity has related to one of the following themes:

i) dissatisfaction with the residential component of the schools; some young people/potential new students denied admission to the school
ii) communication and systemic barriers for OPACY and the young people in these schools; youth not always told about OPACY, limited youth access to OPACY.

Significant System Events

- Orientation to the role of OPACY was provided on-site to students in all the Provincial/Demonstration Schools.

- Participation of children and youth from Centre Jules-Léger in the UNCRC Day at The Legislature, including translation resources to support speakers.

- Two Hub meetings at Schools for the Deaf.

- One Hub meeting at the School for the Blind and Deaf Blind.

- Teachers with fluency in American Sign Language (ASL) or langue de signes québécoise (LSQ) are in short supply. OPACY has faced a number of barriers in accessing ASL and LSQ resources to provide translation services for young people accessing our resources and as part of bringing this group of young people into events involving youth participation.

OPACY will:

- Expand its capacity to communicate using ASL and LSQ.

- Continue meeting with the Ministry of Education regarding services and OPACY experience with Schools for the Deaf and Deaf Blind.

- Develop a youth participation strategy with students at Provincial and Demonstration schools.

E) First Nations

First Nations System: There are 134 First Nations communities with members living on and off reserve across Ontario. It is well documented that many of these communities face challenges associated with inadequate housing, extreme poverty, social isolation and the lack of a range of services and supports for children and families. In many First Nations communities, children's social services are practically nonexistent. There are five designated northern children's aid societies and one in Toronto, all serving Aboriginal communities. There are also seven pre-mandated Aboriginal family service agencies working towards designation.

Funding allocations for children and youth services do not reflect the real costs of providing services in remote communities or the significantly higher and more complex needs of many Aboriginal children and families. The Ontario Association of Children's Aid Societies undertook, at the request of MCYS, the Northern Remoteness study of funding needs for Tikinagan Child and Family Services and Payukotayno James Bay and Hudson Bay Family Services. This continues to be an issue and

based on the 2009/10 allocations to CASs the gap between what these two Aboriginal agencies spent last year and their funding for this year increased.

The hearings of the Canadian Human Rights Commission Tribunal into a complaint addressing the historic and ongoing inequities in funding provided to First Nations communities for child welfare will bring attention to the issue.

OPACY Themes: During the past year, the majority of the First Nations activity has related to one of the following themes:

i) lack of, or inappropriate service in the North; Thunder Bay fly-in high school, crisis response doesn't build capacity, advocacy is labour intensive
ii) lack of, or inappropriate service in urban and southern communities.

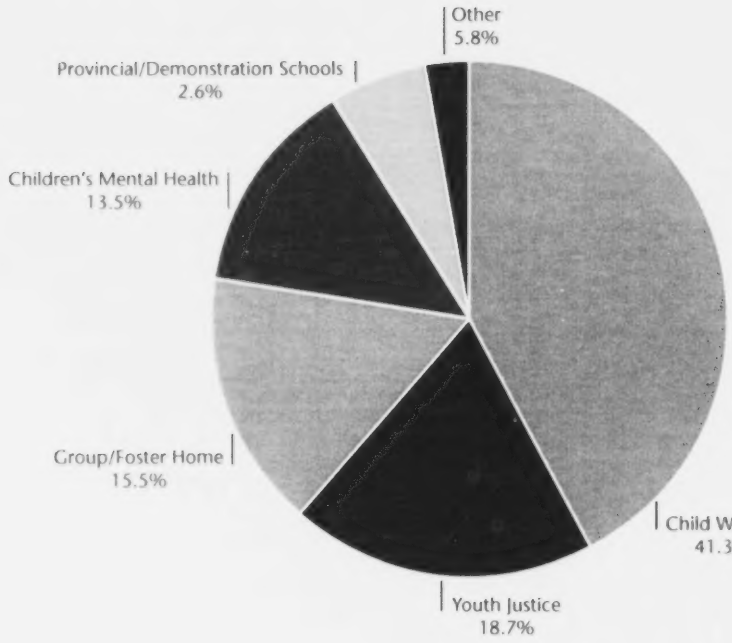
It is evident from the **First Nations Identification by Ministry Program** chart that First Nations children and youth call about the same four programs as the general population, i.e., Youth Justice, Child Welfare, Children's Mental Health and Group/Foster Homes, but have made 75 per cent more calls related to Child Welfare than the general population.

Significant System Events

• In September, OPACY attended the first days of hearings of the Canadian Human Rights Commission Tribunal in Ottawa into a complaint addressing the historic and ongoing inequities in funding provided to First Nations communities for child welfare. The complaint was filed by the First Nations Child and Family Caring Society of Canada and the Assembly of First Nations.

• OPACY has standing at the Reggie Bushie Inquest into the death of a youth in Thunder Bay which will explore issues as to how First Nations youth are impacted when attending school far away from their home communities. The group of youth who are advising OPACY had the opportunity to share their list of recommendations with the leadership of Nishnawbe-Aski Nation and Northern Nishnawbe Education Council. Youth have continued to meet about the recommendations.

• The Coroner's office is in the early stages of undertaking a review of the suicide deaths of First Nations Children and youth and asked OPACY to be a stakeholder in the work undertaken.



First Nations Identification by Ministry Program

• While MCYS has approved emergency child welfare funding, it has not addressed documented historic inequities that continue to be the reality of First Nations communities.

• In providing its services, OPACY experiences and hears first hand that the needs of service providers in the north and the communities they serve are unique given the distance and time factors that staff must manage as they travel from community to community. Those working for agencies such as Tikinagan and Dilico have the added stressors of doing their work in the absence of the full range of supports and services available to children and youth in urban and non-First Nations communities.

• OPACY continued to meet with the Chiefs of Ontario and First Nations in support of developing the OPACY strategy for the north and for First Nations, and initiated a trip to New Brunswick to gain insight on how New Brunswick engages First Nations communities in its child and youth advocacy work.

• In response to serious environmental concerns and health risks to young people, and as advocated by local community leadership, young people and others including OPACY, the Federal Government made a commitment to build a new school for the Attawapiskat First Nation by identifying capital funding for this critically needed school.

• OPACY continued active membership in the North South partnership, a coalition of service organizations in the south and Chiefs in the north.

OPACY will:

- Continue to work with the Chiefs of Ontario and other northern and First Nations communities to develop its strategy for the north.

- Facilitate, in partnership with New Mentality, First Nations youth engagement and a response to the Ministry of Health's *Every Door Is The Right Door* discussion paper.

- Continue to maintain its involvement in the Reggie Bushie Inquest.

F) Special Needs

Special Needs System: The term 'special needs' includes but is not necessarily limited to physical,

intellectual, emotional, developmental disabilities, and chronic, severe or terminal illness. Services and supports are provided through unconnected agencies and direct funding options that support a wide range of disparate diagnoses. These diagnoses complicate service provision when they occur in a young person who is also getting service as part of another "mandate" group, e.g., a young offender with special needs. Services do not function as an interconnected system.

OPACY Themes: During the past year, the majority of special needs activity has related to one of the following themes:

i) lack of support to transition into adult services
ii) lack of in- or out-of-home respite to support medically fragile children and youth
iii) lack of educational support
iv) lack of extended summer respite programming for children and youth with high needs.

Significant System Events

• From responding to individual calls, OPACY is aware some individuals with "special needs" lack capacity to give 'voice' to their rights. Life planning as a systems response is, at best, disjointed and at worst unresponsive to the needs of these children and youth and their families.

• Work with community groups and parents to press MCYS and the Ministry of Community and Social Services (MCSS) to address the funding gaps and significant waitlists that exist provincially for many of the services and supports that specifically target families caring their children at home, i.e. Special Services at Home, Respite Enhancement funding for medically fragile and technologically dependent children and assistance for children with severe disabilities benefit.

OPACY will:

- Map the Special Needs Service Realm with the help of significant networks and community groups

- Meet with relevant service providers and advocacy groups to develop an advocacy strategy around special needs services

Who We Are

ESTABLISHED BY LEGISLATION IN 2007, the Office of the Provincial Advocate for Children and Youth (OPACY) has continued to increase its capacity to function as the "independent voice of children and youth." It is doing this by:

- Managing and planning the functions of the Office in an efficient way;
- Responding to service needs within the accountability needs of the Legislature, and;
- Increasing staffing consistent with legislated mandate and government direction.

Organizational Capacity

OPACY responded to 3931 calls during the past year: an increase of 31 per cent. The requests were for information and advocacy regarding young people's rights. OPACY has responded to the resulting increased casework and systemic challenges as described in this Report.

OPACY did this in Canada's second largest province, one that includes many small and remote Aboriginal First Nations communities in the far north and Toronto, Canada's largest and most culturally diverse city in the south. The location of the Office and staff in Toronto add to the challenge of responding adequately to the unique needs of Ontario's children and youth.

OPACY will:

Initiate a strategy for the North by

- Hiring three interim Advocates for the North to respond to, and record, local needs
- Meeting with young people in northern communities to define what advocacy capacity means for them
- Applying an index to shape how resources are available to northern and First Nations communities.

Ontario's child and youth population and its system of social services are larger than that of other provinces. While still developing its new mandate, OPACY has fewer staff and financial resources per capita than other jurisdictions.

At the beginning of the year, the staff complement increased from 21 to 24. The addition of a Director of Advocacy Service, a Director of Strategic Development and a Manager of Administrative Services has helped strengthen and focus the Office.

Over the next year staffing and resources will be a key part of determining how to position OPACY to meet the geographic, cultural and linguistic needs of children and youth living in Ontario and its legislated mandate.

To continue its organizational development in the coming year,

OPACY will:

- Review and modify the OPACY database that records and tracks all calls in support of management decisions and service delivery

- Increase Advocacy response capacity by completing the hiring of new approved complement

Financial Expenditures

OPACY has developed an effective plan to make the transition from its position within a ministry to its independent role. The plan covers all elements of the organization: staffing, internal structures, policies and procedures.

To support OPACY and the actions prescribed in legislation, the approved budget for the Office in the '08-'09 fiscal year was $3.9 million.

OPACY proceeded with its plan and prudently made expenditures totalling $3 million. Timing of some activities determined when costs were incurred to put in place elements of its new independence.

Independence includes new office space that severed the tenant relationship that existed with the Ministry of Children and Youth Services. Costs related to the new office space construction and modifications required to accommodate the planned increase in staff were delayed from 2008/09 into 2009/10.

Without additional space, OPACY could not proceed with hiring the approved new staff. Service costs related to the new office were not required in 2008/09.

OPACY moved to the new office space on November 30. It is now proceeding to implement the approved staffing plan.

AUDITED STATEMENT OF EXPENDITURE
for the Period from April 1, 2008 to March 31, 2009

SALARIES & WAGES	$ 1,501,327
EMPLOYEE BENEFITS	$ 307,015
TRANSPORTATION & COMMUNICATION	$ 276,602
SERVICES	$ 871,375
SUPPLIES & EQUIPMENT	$ 79,497
TOTAL	**$ 3,035,816**

Follow-up on OPACY Annual

Note: *Quotations below, in the left-hand column, are from the 07-08 Report, available at http://provincialadvocate.on.ca/main/en/publications/ann_report.cfm*

PAGE	RECOMMENDATION/ISSUE/STATEMENT	FOLLOW-UP STATUS
3	"...asked for inquest into (Katelynn's Death)...transparent public investigation".	*Criminal process not yet completed*
5-7	" ..good information is difficult to come by, and our legislated powers do not expend broadly" 1. We appeared before standing committee and proposed amendment to Bill 103- failed 2. Made application to Ontario Court of Justice- received some info 3. will continue to seek amendments to PACY Act to allow access 4. Near agreement on draft protocol with MCYS	*Protocol signed with MCYS January 13, 2009* *Meetings with Coroner's Office- no protocol at present* *Redacted information is problematic*
7-8	"...we invited organizations .. to encourage young people to talk about... and strategies for dealing with youth violence...building on these experiences we have plans to form a reference groups or hubs in at least five regions of the province"	*Completed*
8	"In response to recommendations in Falconer (safe school) report...our Office convened a group at Westview... and will at...First Nations school in Toronto..."	*Photovoice project completed by young people from Westview H.S.* *First Nations School Review not complete*
10	"in the past, our Office has assigned one advocate to deal with all calls from these [Northern] communities...We will be focusing increasingly in 2009 on how our office can better advocate...in the North"	*Spent time in New Brunswick to understand how their First Nations engagement process has gone and will be building on some of their best practices; have begun initial discussions with COO (Chief's of Ontario)and a number of First Nations communities*
15	"...our office undertook a Quality of Care Review of a large CAS...the report included recommendation that our office is pursuing... acted on."	*Review completed; Follow up with Ministry, service providers and Children's Aid Societies on a number of oversight issues in residential care facilities across the province such as use of physical restraints; calls to police by group home staff; locked doors in group homes; access to family; access to personal property; food. Plan to increase number of formal reviews of children's residences in 2010.*
16	"Our office is concerned about the number of calls it receives from youth sating they are not permitted to contact us...ensuring agencies permit and encourage... will be one of our objectives in the coming year."	*Reports of not allowing access to our office- usually result in report to Ministry; letter from Advocate's office; Most likely to result in Advocate presence/attendance at facility or children's residence*

Report 2007-08

PAGE	RECOMMENDATION/ISSUE/STATEMENT	FOLLOW-UP STATUS
16	" Our office has been concerned about the use of tasers...on youth in care... we are currently investigating...and there should be a moratorium..."	*Wrote to Minister of Community and Correctional Services on January 30, 2009 requesting moratorium on use of Conducted Energy Weapons (CEW) on children and youth, and met with Minister on February 11, 2009 to discuss issue. Minister wrote back on March 23, 2009 to indicate that Ministry will defer any decision regarding restriction on use until the Ministry review of CEW's is complete.*
17	"1. STRENGHTHEN ADVOCACY... increase our outreach..."	*'Community Development' week directly focuses on increasing outreach and education about our office and children's rights*
17	"2. DEATHS...KNOWN to SYSTEM... we will request standing at inquests held ... death...in state care..."	*Have requested standing at 2 announced inquests; Have written to ask for standing at 1 other inquest*
17	"3. THE NORTH... 1. begin by hiring a Director of Service or Deputy Advocate... 2. ...an office located in the North? Virtual office?... 3. additional funding as part of our 2009-2010 budget submission"	*Spent time in New Brunswick to understand how their First Nations engagement process has gone and will be building on some of their best practices; have begun initial discussions with COO (Chief's of Ontario) and a number of First Nations communities*
19	"4. YOUTH PARTNERSHIPS... to form reference groups/hubs in five regions of the province..."	*Completed*
19	"5. JORDAN'S PRINCIPLE... We will work for (its) implementation in Ontario..."	*On April 22, 2009 the Ontario government announced their support for Jordan's Principle and pledged to work with First Nations and the federal government to ensure it is honoured and applied in the province of Ontario.*
19	"6.CORONER'S RECOMMENDATIONS ... we wish to follow the recommendations... to see how many are implemented...Advocacy Office is now well organized... to play a stronger role in advancing the interests of children and youth	*The Advocate's Office will be launching an Inquest Database that will enable the public to access and track inquest recommendations and the commitments of the recipients. It will also assist the Advocate's Office in identifying trends and issues across inquests and will provide the Advocate's Office with the tools to ensure that past inquests inform all aspects of case and systemic advocacy.*

Closing Message

DESPITE THE SIGNIFICANT SYSTEM EVENTS outlined in this report as well as the work of OPACY and others in this past year, much work still needs to be done to support Ontario's children and youth, and their families. We need to work harder for:

- Families within the disability community who have critical needs for support to maintain a child at home. They feel trapped in a tug of war with government and service providers and as waitlists for funding and resources grow, many parents are isolated and alone to address the extensive care needs of their children.

- The young people in custody who are our sons and daughters, friends and parents to be, Ontario's next policy makers, plumbers, carpenters, doctors, nurses, entrepreneurs and everyday workers. More must be done to invest in the success that can result from responsive relationship custody. We cannot just define this group of youth as "young offenders."

- A young person requiring mental health services, a safe, warm and caring place, and/or formal assessment, diagnosis and clinical/psychiatric support. Mental health must remain a priority and be equitably available across the province.

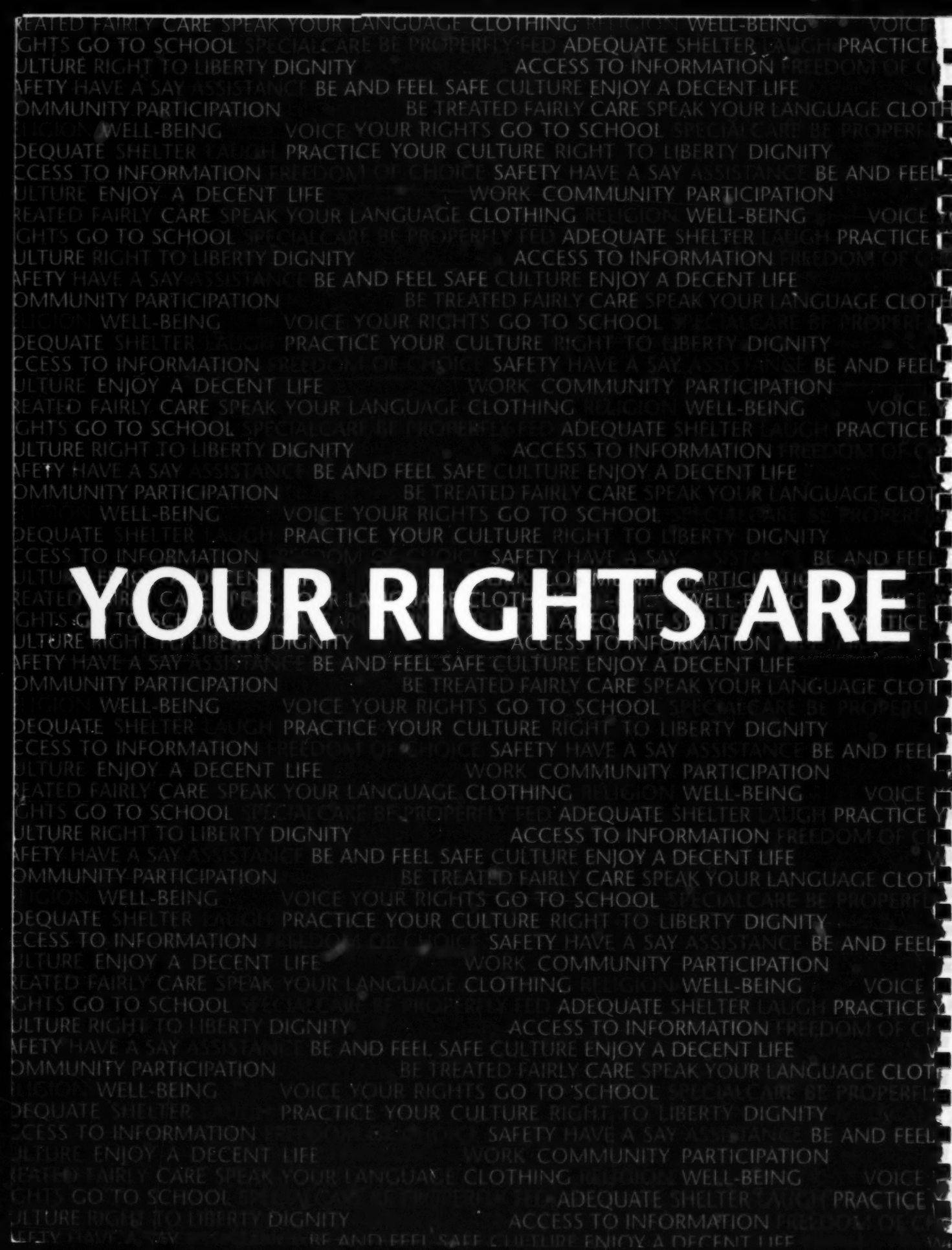
- Students in Ontario's schools for the Deaf, Deaf-Blind and Demonstration schools who provide powerful insight into the complexities of language, communication and culture within the education system. Language and communication barriers present in many aspects of their lives limit their future.

- Youth, living in care and when they leave child welfare care, to ensure they have better lives. Despite the often best intentions of service providers, the child welfare system does not lend itself well to supporting permanent homes, or in some cases a sense of control which young people need.

- Children and youth in our First Nations communities where high rates of attempted and completed suicides have moved beyond the point of crisis in some communities. These children live without basic medical and mental health services and resources and in extreme poverty. In the midst of this overwhelming sense of hopelessness, some have attempted to end their own lives.

Why is it that some work so hard for rights that come so easily to others? In the coming year, I am committed to ensuring the Office of the Provincial Advocate for Children and Youth uses its resources to be a vehicle for lasting change.

Irwin Elman


YOUR RIGHTS ARE